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3 **IN THE UNITED STATES DISTRICT COURT**  
4 **FOR THE DISTRICT OF ARIZONA**

5 **IN RE BARD IVC FILTERS**  
6 **PRODUCTS LIABILITY LITIGATION**

7 This Document Relates to Plaintiff  
Willard Taggart, 2:17-cv-04216

No. MD-15-02641-PHX-DGC  
**FIRST AMENDED**  
**SHORT FORM COMPLAINT**  
**FOR DAMAGES FOR INDIVIDUAL**  
**CLAIMS**

8 Plaintiff(s) named below, for their Complaint against Defendants named below,  
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364 ).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Willard J. Taggart

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
14 consortium claim:

15 Kim A. Taggart

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
17 conservator):

18 N/A

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
20 the time of implant:

21 New York  
22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New York

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New York

7. District Court and Division in which venue would be proper absent direct filing:

Southern District of New York

8. Defendants (check Defendants against whom Complaint is made):



C.R. Bard Inc.



Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:



Diversity of Citizenship



Other: \_\_\_\_\_

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):



Recovery<sup>®</sup> Vena Cava Filter



G2<sup>®</sup> Vena Cava Filter

☒ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

☐ Eclipse<sup>®</sup> Vena Cava Filter

☐ Meridian<sup>®</sup> Vena Cava Filter

☐ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

October 13, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

☒ Count VI: Negligence – Failure to Recall/Retrofit

☒ Count VII: Negligence – Failure to Warn

☒ Count VIII: Negligent Misrepresentation

☒ Count IX: Negligence *Per Se*

☒ Count X: Breach of Express Warranty

☒ Count XI: Breach of Implied Warranty

☒ Count XII: Fraudulent Misrepresentation

☒

Count XIII: Fraudulent Concealment

☒

Count XIV: Violations of Applicable New York (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade  
Practices

☒

Count XV: Loss of Consortium

☐

Count XVI: Wrongful Death

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Count XVII: Survival

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Punitive Damages

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Other(s): \_\_\_\_\_ (please state the facts supporting  
this Count in the space immediately below)

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1 RESPECTFULLY SUBMITTED this 8th day of March 2018.

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3 **FLINT LAW FIRM, LLC**

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5 By: /s/ Jacob A. Flint  
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